

United States District Court**for the****Eastern District of Washington**FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Nov 16, 2021**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Larry Nicholas Kennedy

Case Number: 0980 2:18CR00218-SMJ-1

Address of Offender:

Liberty Lake, Washington 99019

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Senior U.S. District Judge

Name of Supervisory Judicial Officer: The Honorable Salvador Mendoza, Jr., U.S. District Judge

Date of Original Sentence: June 14, 2021

Original Offense: Felon in Possession of a Firearm and Ammunition, 18 U.S.C. § 922(g)(1) and 924(a)(2)
Possession of an Unregistered Firearm, 26 U.S.C. §§ 5845 and 5871;Original Sentence: Prison - 429 days (time served); Type of Supervision: Supervised Release
TSR - 36 months

Asst. U.S. Attorney: Earl Allan Hicks

Date Supervision Commenced: June 14, 2021

Defense Attorney: Federal Public Defender

Date Supervision Expires: June 13, 2024

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 10/26/2021. Mr. Kennedy is set to appear via summons on November 17, 2021, before the magistrate judge.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

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Special Condition #4: You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Kennedy is considered to be in violation of his supervised release by failing to report for drug testing on October 28 and 29, 2021.

On June 21, 2021, this officer reviewed the judgment and sentence with Mr. Kennedy. He stated he understood the conditions of his supervised release, which included special condition number 4.

Mr. Kennedy is a participant in the random drug testing program and is expected to call the drug testing line daily and report to Pioneer Behavioral Health when the color 'brown' is announced.

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According to Pioneer Behavioral Health records, Mr. Kennedy failed to show for drug testing on October 28, 2021. On October 29, 2021, this officer made contact with Mr. Kennedy, who provided no excuse as to why he missed his random drug screen. As a result, he was admonished and directed to report for a make-up drug screen on the same date, October 29, 2021. Mr. Kennedy failed again to report for testing on October 29, 2021, according to Pioneer Behavioral Health records. On November 1, 2021, this officer was able to direct Mr. Kennedy to the office to report for drug testing.

- 4 **Special Condition #4:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Kennedy is considered to be in violation of his supervised release by testing positive for methamphetamine on November 1, 2021.

On June 21, 2021, this officer reviewed the judgment and sentence with Mr. Kennedy. He stated he understood the conditions of his supervised release, which included special condition number 4.

In response to Mr. Kennedy failing to report for drug testing as directed, he was directed to report to the office on November 1, 2021. Mr. Kennedy reported to the office and submitted to drug testing. The test yielded presumptive positive for methamphetamine. Mr. Kennedy denied any use and the sample was sent to the national lab for confirmation. On November 8, 2021, the sample was verified positive for methamphetamine by the national lab.

- 5 **Special Condition #4:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Kennedy is considered to be in violation of his supervised release by failing to report for drug testing on November 5, 2021.

On June 21, 2021, this officer reviewed the judgment and sentence with Mr. Kennedy. He stated he understood the conditions of his supervised release, which included special condition number 4.

Mr. Kennedy is a participant of the random drug testing program and is expected to call the drug testing line daily and report to Pioneer Behavioral Health when the color 'brown' is announced.

According to Pioneer Behavioral Health records, Mr. Kennedy failed to show for drug testing on November 5, 2021. On November 8, 2021, this officer made contact with Mr. Kennedy who reported he was busy as a family member suffered a stroke and his niece had ran away and they were helping family. This officer admonished him for failing to communicate and directed him to report for a drug screen by the end of the day on November 8, 2021.

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6 **Special Condition #4:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Kennedy is considered to be in violation of his supervised release by testing positive for methamphetamine and amphetamine on November 8, 2021.

On June 21, 2021, this officer reviewed the judgment and sentence with Mr. Kennedy. He stated he understood the conditions of his supervised release, which included special condition number 4.

In response to Mr. Kennedy failing to report for drug testing as directed, Mr. Kennedy was directed to report to Pioneer Behavioral Health on November 8, 2021. The test yielded presumptive positive for amphetamine and methamphetamine. Mr. Kennedy signed an admission form admitting to the use of methamphetamine; however, he did not specify when he last used methamphetamine. The sample was still sent to the national lab for further confirmation. Those results remain pending.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

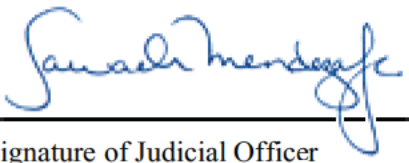
Executed on: s/Emely Cubias

11/16/2021

Emely Cubias
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

11/16/2021

Date